<div align="center">**REMARKS**</div>

Claims 1-11 and 30-41 are pending and under consideration; Claims 12-29 are withdrawn; and Claims 1, 30, 35 and 37 are amended as discussed below.

I.   Rejection of Claim 8 under 35 U.S.C §112

Claim 8 stands rejected under 35 U.S.C §112, first paragraph (enablement) on the grounds that the claimed "virtual key" is unclear. In reply, the Applicant points to page 8, lines 13-19 of the Specification wherein a virtual key 160 is described as adapted to retrieve information from certificates and can be employed to verify identity and permit access in accordance with the rules as specified in the access credential component 150. As it is believed that this description is clear to one ordinarily skilled in the art, withdrawal of this rejection is respectfully requested.

II.   Rejection of Claims 1-11 under 35 U.S.C. §101

Claims 1-11 stand rejected under 35 U.S.C. §101 on the grounds that the claimed system may include non-statutory software. In reply, Claim 1 is amended to specify "A digital rights management system including a processor..." as described at page 1, line 13 in the specification. Withdrawal of this rejection is respectfully requested.

III.   Rejection of Claims 1-8, 11, 30, 31, 34 and 36 under 35 U.S.C. §102(e)

Claims 1-8, 11, 30, 31, 34 and 36 stand rejected under 35 U.S.C. §102(e) as anticipated by US Patent 6,959,290 ("Stefik"). For the following reasons, Stefik does not anticipate the cited claims.

As set forth in Claim 1, the Applicant's system comprises: a certification component that generates certificates for local domain automation devices; and an access component that establishes rules of use for automation device services based at least upon the identity of a user or entity as provided by a certificate. [Emphasis added].

In the Applicant's system, the certification component generates certificates containing identifying information on individuals or entities desirous of accessing devices and content on the system; and the access component establish rules and privileges for using devices and content

on the system based on information in the <u>certificates</u>. [See the Specification at page, 3, lines 3-16.]

In rejecting Claims 1-8, 11, 20, 31, 34 and 36 as anticipated by Stefik under 35 U.S.C. 102 (e), the Examiner cited Stefik at Col. 51, lines 9-13 for allegedly teaching the Applicant's <u>certification component that generates certificates for local domain automation devices</u>; and Stefik at Col. 51, lines 39-43 for teaching the Applicant's <u>access component that establishes rules of use for automation device services based at least upon the identity of a user or entity as provided by a certificate</u>.

On examining the Stefik's citations, it is noted that Stefik merely provides a **Glossary** of definitions that includes a definition of an "<u>Identification (Digital) Certificate</u>" as a signed digital message that attests to the identity of the possessor; ....", and a definition of a "<u>Repository</u>" as "Conceptually a set of functional specifications defining core functionality in support of usage rights....".

Since Stefik's description of an <u>Identification (Digital) Certificate</u> is not the description of the Applicant's <u>certification component</u>, and also since Stefik's description of a Repository is not the Applicant's description of an <u>access component</u>, Stefik's does not anticipate Claim 1 under 35 U.S.C. §102 (e).

Further, *arguendo,* even if Stefik's Identification (Digital) Certificate is interpreted to describe the Applicant's certification component, and Stefik's Repository is interpreted as the Applicant's access component, the mere definition provided by Stefik in a Glossary, with no pertinent teaching otherwise of how these elements interact as in the Applicant's system, is not a teaching or even a suggestion of the Applicant's system comprising the certification component <u>and</u> the access component as set forth in Claim 1. Thus, for this additional reason, Stefik's does not anticipate Claim 1 under 35 U.S.C. § 102 (e).

Also, in contrast to the Applicant's system which pertains to managing digital rights in an industrial environment, Stefik's pertains to collecting fees when a digital work is used, distributed or copied. Accordingly, Stefik teaches a method comprising: receiving a request to use a digital work; determining whether the request should be granted based on usage rights associated with the work. (see Col. 3, lines 56-58) and granting use of the digital work in accordance with the manner of use, if the request should be granted. (see Col. 3, lines 64-66).

Because Stefik's method tracks usage of its digital works to collect fees, Stefik

emphasizes in its teachings that usage rights are permanently attached to the digital work to ensure that the fees are collected (see Col. 6, lines 13- 19), in contrast to the Applicants system does not permanently attach usage rights to digital content. For this additional reason Stefik's does not anticipate Claim 1 or any of its dependent Claims 2-11, under 35 U.S.C. §102.

Regarding the rejection of Claim 30 under this heading, Claim 30 is amended herein to specify utilizing a key derived from a certification component as disclosed, for example, at page 13, line 9 (authentication component), and as specified in Claim 1. As discussed above in distinguishing Claim 1 over Stefik, since Stefik does not disclose a certification component, therefore Stefik also does not anticipate either Claim 30 under 35 U.S.C 102 (e) or any of its dependent Claims 31 (as formally amended herein), 34 and 36.

Accordingly, withdrawal of the rejections under this heading is respectfully requested.

IV.   Rejection of Claims 9 and 10 under 35 U.S.C. §103(a)

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stefik as applied to Claims 1 and 7, and further in view of US Publication 2003/0172090 A1 ("Asunmaa").

For the reasons noted above in distinguishing Claim 1 over Stefik, Stefik does not teach or suggest the Applicant's certification component and the access component as set forth in Claim 1 and its dependent Claim 7. Since this deficiency in Stefik is not cured by Asunmaa, therefore Stefik in combination with Asunmaa also does not render dependent Claims 9 and 10 unpatentable under 35 USC 103 (a).

Accordingly, withdrawal of all the rejections under this heading is respectfully requested.

V.   Rejection of Claims 32, 33 and 37-41 under 35 U.S.C. §103(a)

Claims 32, 33 and 37-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stefik as applied to Claims 30 and 31 above, and further in view of US Publication 2002/0120521 A1 ("Forth").

For the reasons noted above in distinguishing Claim 1 over Stefik, Stefik does not teach or suggest the Applicant's certification component as set forth in Claim 30 as amended herein. Since this deficiency in Stefik is not cured by Forth, therefore Stefik in combination with Forth also does not render dependent Claims 32 and 33 unpatentable under 35 U.S.C. § 103 (a).

Regarding the rejection of Claim 37 under this heading, Claim 37 is presently amended to specify a <u>certification component</u> as disclosed at page 13, line 8. For the reasons noted above in distinguishing to Claim 1 over Stefik, Stefik does not teach or suggest the Applicant's certification component as set forth in Claim 37 as amended. Since this deficiency in Stefik is not cured by Forth, therefore Stefik in combination with Forth also does not render dependent Claims 38-41 unpatentable under 35 U.S.C. §103 (a).

Accordingly, withdrawal of all the rejections under this heading is respectfully requested.

VI.   Rejection of Claim 35 under 35 U.S.C. §103(a)

Claim 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stefik as applied to claims 30 and 31 above, and further in view of, US Publication 2002/0059144 A1 ("Meffert").

Claim 30 is amended herein to specify utilizing a <u>key derived from a certification component</u> as disclosed for example at page 13, line 9 (authentication component). As discussed above in distinguishing Claim 1 over Stefik, Stefik does not disclose a certification component. Since this deficiency in Stefik is not cured by Meffert, therefore Stefik in combination with Meffert does not render Claim 35 (dependent from Claim 30) unpatentable under 35 U.S.C. §103 (a), as Claim 35 incorporates all the elements of Claim 30.

Accordingly, withdrawal of all the rejections under this heading is respectfully requested.

CONCLUSION

In view of the above amendments and Remarks, it is believed that the present Application is in condition for allowance. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP333US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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